

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,	)	No. ED100873
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	
	)	Honorable Elizabeth Byrne Hogan
JAMES RAYBURN,	)	
	)	
Appellant.	)	FILED: November 12, 2014

Appellant James Rayburn (“Rayburn”) appeals from the judgment of the trial court convicting him of attempted forcible sodomy, Section 566.060. Following a bench trial, the trial court sentenced Rayburn to seven years in prison. Rayburn now challenges the sufficiency of the evidence to support his conviction, alleging that there is no evidence strongly corroborative of the firmness of his intent to act on his threat to commit forcible sodomy, and therefore, no substantial evidence that he took a substantial step toward completion of that offense.

AFFIRMED.

Division III holds: Because evidence of Rayburn’s conduct, which included removing his penis from his pants and threatening to kill the victim if she did not perform oral sex on him, demonstrates a substantial step toward completion of the offense of forcible sodomy, and because Rayburn did not voluntarily withdraw from his conduct against Victim, we find no error and affirm the judgment of the trial court.

Opinion by: Kurt S. Odenwald, P.J., Robert G. Dowd, Jr., J. and Gary M. Gaertner, Jr., J. Concur.

Attorney for Appellant: Michael Gross

Attorney for Respondent: Chris Koster and Adam Rowley

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